

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL NO. 1:07CV336

TIMOTHY KIRK FOXX,

Plaintiff,

Vs.

THE TOWN OF FLETCHER, a
municipality organized under the
laws of North Carolina; MARK
BIBERDORF, in his individual and
official capacities; LANGDON B.
RAYMOND, in his individual and
official capacities; MICHAEL STEVE
MORGAN, in his individual and
official capacities; WILLIAM B.
MOORE, in his official capacity;
JIM CLAYTON, in his official
capacity; HUGH CLARK, in his
official capacity; BOB DAVY, in his
official capacity; and EDDIE
HENDERSON, in his official capacity,

Defendants.

J U D G M E N T

For the reasons stated in the Memorandum and Order filed herewith,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that
the Defendants' motion for summary judgment is **ALLOWED** in part, the

Plaintiff's claims under Title VII are **DISMISSED WITH PREJUDICE**; and Defendants' motion for summary judgment is **DENIED** as to Plaintiff's remaining state law claims.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, the Court having declined to exercise supplemental jurisdiction over the parties' respective state law claims, Plaintiff's remaining state law claims and Defendant Langdon Raymond's state law counterclaims are hereby **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff's motion to dismiss and/or for summary judgment is **DENIED**.

Signed: December 3, 2008



Lacy H. Thornburg
United States District Judge

